

DECLARATION

As a below-named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: ACELLULAR MATRIX GRAFTS: PREPARATION AND USE the specification of which is attached hereto or X was filed on December 19, 1997 as Application No. 08/994,838 and was amended on (if applicable).

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <input type="checkbox"/> No <input type="checkbox"/>
			Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

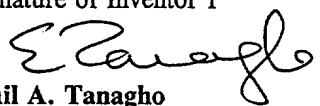
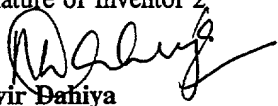
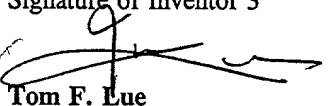

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

Full Name of Inventor 1	Last Name TANAGHO	First Name EMIL	Middle Name or Initial A.	
Residence & Citizenship	City San Rafael	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 408 Biscayne Drive	City San Rafael	State/Country California	Zip Code 94901
Full Name of Inventor 2	Last Name DAHIYA	First Name RAJVIR	Middle Name or Initial	
Residence & Citizenship	City San Carlos	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 996 Springfield Drive	City San Carlos	State/Country California	Zip Code 94070
Full Name of Inventor 3	Last Name LUE	First Name TOM	Middle Name or Initial F.	
Residence & Citizenship	City Hillsborough	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 35 Redwood Drive	City Hillsborough	State/Country California	Zip Code 94010
Full Name of Inventor 4	Last Name CUNHA	First Name GERALD	Middle Name or Initial R.	
Residence & Citizenship	City Foster City	State/Foreign Country California	Country of Citizenship U.S.A.	
Post Office Address	Post Office Address 1016 Windjammer Circle	City Foster City	State/Country California	Zip Code 94404
Full Name of Inventor 5	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code
Full Name of Inventor 6	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code

Appln. No. 08/994,838

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 X  Emil A. Tanagho	Signature of Inventor 2 X  Rajvir Daniya	Signature of Inventor 3  Tom F. Lue
Date 4/6/98	Date X 4/3/98	Date X 4/8/98
Signature of Inventor 4 X  Gerald R. Cunha		
Date X 4/7/98		

DEC-6, MRG 8/96

F:\DATA\PS\PTODUJD\82058.1

Applicant or Patentee: Dr. Emil A. Tanagho, et al.
Serial or Patent No.: 08/994,838
Filed or Issued: December 19, 1997
For: ACELLULAR MATRIX GRAFTS: PREPARATION AND USE

Docket No. 02307E-080700
U. C. Case No. 97-262-1

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR § 1.9(f) and § 1.27(d)]--NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of California
ADDRESS OF ORGANIZATION: 1111 Franklin Street, Fifth Floor
Oakland, California 94607-5200

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 601(c) (3)]
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OR THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC § 501(a) and § 501(c) (3)] IF
LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES
OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR § 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled ACELLULAR MATRIX GRAFTS: PREPARATION AND USE

by inventor(s) Dr. Emil A. Tanagho, Dr. Raj Dahiya, Dr. Tom F. Lue, Dr. Gerald Cunha described in

- ☐ the specification filed herewith
☒ application serial no. 08/994,838, filed December 19, 1997
☐ Patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention [except for a license to a Federal Agency pursuant to USC § 202 (c) (4)].

If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR § 1.27).

NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR § 1.28(b)]

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine of imprisonment, or both, under 18 USC § 1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent which this verified statement is directed.

NAME OF PERSON SIGNING: Linda S. Stevenson
TITLE IN ORGANIZATION: Principal Prosecution Analyst, Office of Technology Transfer
ADDRESS OF PERSON SIGNING: 1111 Franklin Street, Fifth Floor
Oakland, California 94607-5200

SIGNATURE Linda S. Stevenson

DATE 5/5/98

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Attn: Box Missing Parts
Assistant Commissioner for Patents,
Washington, D.C. 20231,

on

May 5, 1998

TOWNSEND and TOWNSEND and CREW LLP

By Kathryn A. DeGiantoni

PATENT

Attorney Docket No. 02307E-080700US
UC Case No. 97-262-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
)	
Emil A. Tanagho, <i>et al.</i>)	Group Art Unit: 1616
)	
Appln. No.: 08/994,838)	
)	
Filed: December 19, 1997)	
)	
For: ACELLULAR MATRIX GRAFTS:)	
PREPARATION AND USE)	
_____)	

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 CFR § 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Kenneth A. Weber, Reg. No. 31,677; Ellen Lauver Weber, Reg. No. 32,762; Kevin L. Bastian, Reg. No. 34,774; Eugenia Garrett-Wackowski, Reg. No. 37,330; and Susan K. Faris, Reg. No. P-41,739; all of the firm of Townsend and Townsend and Crew LLP, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 CFR § 3.71.

An assignment of the entire interest in the above-identified subject application:

[] was recorded on _____, at reel/frame _____.

[X] is being concurrently submitted for recordation under separate cover to
Attn: Box Assignments. A copy **not for recordation** is enclosed herewith.

Please direct all telephone calls to Kenneth A. Weber and all correspondence
relative to said application to the following address:

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

Dated: May 5 1998

ASSIGNEE: THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA

Signature: Linda S. Stevenson.

Typed Name: Linda S. Stevenson

Title: Principal Prosecution Analyst

Office of Technology Transfer
300 Lakeside Drive, 22nd Floor
Oakland, CA 94612-3550

ASSIGNMENTU.C. Case No. 97-262-1

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

- | | |
|---------------------------|---------------------------|
| 1. <u>Emil A. Tanagho</u> | 2. <u>Rajvir Dahiya</u> |
| 3. <u>Tom F. Lue</u> | 4. <u>Gerald R. Cunha</u> |

hereby sells, assigns and transfers to ASSIGNEE, The Regents of the University of California, a California Corporation, having its statewide administrative offices located 300 Lakeside Drive, 22nd Fl., Oakland, CA 94612-3550, and the successors, assigns and legal representatives of the ASSIGNEE all of its right, title and interest for the United States and its territorial possessions and in all foreign countries in and to, any and all improvements which are disclosed in the invention entitled:

ACELLULAR MATRIX GRAFTS: PREPARATION AND USE

and which is found in

- (a) _____ U.S. provisional application filed herewith and listing the above-named persons as inventors
- (b) _____ U.S. patent application filed herewith and listing the above-named persons as inventors
- (c) X U.S. application serial no. 08/994,838, filed on December 19, 1997
- (d) _____ U.S. Patent No.: _____, issued _____

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension, conversion to 35 USC 111(a) or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE, The Regents of the University of California.

executed this

6 day of April, 19983 day of April, 19988 day of April, 19987 day of April, 1998

Signature of Inventor(s)

Emil A. Tanagho

Rajvir Dahiya

Tom F. Lue

Gerald R. Cunha